



JON M. HUNTSMAN, JR.  
Governor

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Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

S/047/0079  
1003

October 20, 2009

### CERTIFIED RETURN RECEIPT

7005 2570 0000 4801 6744

Justin Farley  
United Stone and Design  
PO Box 99  
Duchesne, Utah 84021

Subject: Finalized Assessment for State Failure to Abate Cessation Order No. MC-2008-59-02, United Stone and Design, United Stone Mine, S/047/0079, Uinta County, Utah

### Response Due By: 30 Days of Receipt

Dear Mr. Farley:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R647-7.

On May 20, 2009, a proposed assessment for this violation of \$6,000 was sent to you. You received this assessment on, or about May 27, 2009. In order to appeal the amount of this assessment, you had 30 days to provide a request to re-evaluate the amount of penalty. On June 25, 2009, you left a voice message with Paul Baker, indicating that the abatement work was completed in just two days, rather than the 8 days that were assumed for the proposed assessment. Since the violation has been abated, this information was considered in the final assessment. The finalized penalty assessment of \$1,500.00 for the Failure to Abate Cessation Order # MC-2008-59-02, (FTACO) which was issued November 13, 2008 was determined utilizing Rule R647-7-103 et. seq. as follows:

Effective date of the FTACO: December 8, 2008 (date the FTACO was served)  
Effective date of Abatement: December 10, 2008 (Abatement was completed on this date according to voice message received June 25, 2009)  
The FTACO was in effect for 2 days.  
Proposed assessment: \$1,500.00 (minimum mandatory assessment of \$750.00 (per day).



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Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'Fact of the Violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an Informal Conference within thirty 30 days of receipt of this letter with Vickie Southwick of the Division.

The informal conference will be conducted by a Division-appointed Conference Officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an Assessment Conference within thirty- (30) days of receipt of this letter. If you are also requesting both a review of the fact of violation, and the proposed penalty, the assessment conference will be scheduled immediately following the review of the fact of the violation.

**If a timely request for review is not made, the fact of the violation will stand, the re-assessed penalty will become final, and the penalty will be due and payable within thirty- (30) days of the date of this proposed assessment (by June 22, 2009). Please remit payment to the Division in care of Vicki Bailey.**

Sincerely,



Lynn Kunzler  
Assessment Officer